



Stuart D. Gavzy, Esquire
8171 E. Del Barquero Drive
Scottsdale, AZ 85258
973-256-6080
Fax : 480-452-1665
Email: stuart@gavzylaw.com

Order Filed on July 13, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

IN THE UNITED STATES BANKRUPTCY	:	
COURT DISTRICT OF NEW JERSEY	:	
	:	CHAPTER 13 CASE
IN RE:	:	
Charles B. Daniels	:	
	:	CASE NO. 17-20615 VFP
	:	
	:	
	:	JUDGE: VFP
	:	
	:	
DEBTORS :	:	HEARING DATE:

**ORDER GRANTING APPROVAL OF THE MORTGAGE LOAN
MODIFICATION AS TO DITECH FINANCIAL LLC**

The relief set forth on the following pages, numbered three (3) through ____3____ is hereby **ORDERED**.

DATED: July 13, 2018

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

THIS CAUSE coming on to be heard, and being heard, before the undersigned Judge of the United States Bankruptcy Court for District of New Jersey, pursuant to the Motion for an Order Approving Loan Modification as to DiTech Financial LLC filed by the Debtors; and

IT APPEARING to the undersigned that this court has jurisdiction over the parties and over the subject matter of this Motion; and

IT FURTHER APPEARING to the undersigned that all parties in interest received notice of this Motion and of the time, date and place of this hearing and that no such parties have filed any timely objections or otherwise appeared in opposition to the said Motion and that the time for filing any such objection has expired; and

IT FURTHER APPEARING to the undersigned that the relief requested by the debtor in his Motion are consistent with the applicable provisions of Title 11 of the United States Code and that the debtors has established good and sufficient cause to grant said relief; and

IT FURTHER APPEARING to the undersigned that the Motion of the debtor's to Approve the Mortgage Loan Modification as to Ditech Financial LLC is granted;

ORDERED that the court hereby authorizes secured creditor and debtor to enter into a loan modification; and

IT IS FURTHER ORDERED that in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor must withdraw its Proof of Claim or amend the arrearage portion to the amount paid to date or to zero (0) within thirty (30) days of completion of the loan modification; and

IT IS FURTHER ORDERED that the Chapter 13 Trustee will suspend disbursements to secured creditor pending completion of the loan modification. All money that would otherwise be paid to the secured creditor will be held until the claim is withdrawn or amended to reflect the arrearage portion to the amount paid to date or to zero (0); and

IT IS FURTHER ORDERED that in the event the modification is not consummated, the secured creditor must notify the Trustee and debtors' attorney of same. Any money that were held by the Trustee pending the completion of the modification will then be paid to secured creditor; and

IT IS FURTHER ORDERED that in the event the Proof of Claim is amended to the amount paid to date, to zero or is withdrawn the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

IT IS FURTHER ORDERED that debtors must file an amended Schedule J and Modified Plan within twenty (20) days of this Order.

IT IS FURTHER ORDERED that communication and/or negotiations between debtors and mortgagees/mortgage servicers about loan modification will not be deemed as violation of the automatic stay, and any such communication or negotiation must not be used by either party against other in any subsequent litigation

IT IS THEREFORE SO ORDERED.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order

United States Bankruptcy Court

